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09/863,352	05/24/2001	Masaru Sugano	010661	1126
38834 7590 08/22/2008 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
HOSSAIN, FARZANA E				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/863,352

Applicant(s)

SUGANO ET AL.

Examiner

FARZANA E. HOSSAIN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 12-14, 16-19, 21-23 and 25-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 12-14, 16-19, 21-23 and 25-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to communications filed on 05/15/2008. Claims 1-9, 11, 15, 20 and 24 are cancelled. Claims 10, 12-14, 17, 19, and 21-23 are amended. Claims 16, 18, 25 and 27 have been previously amended. Claims 28-35 are new.

Response to Arguments

2. Applicant's arguments filed 05/15/2008 have been fully considered but they are not persuasive.

Regarding Claims 10 and 19, the applicant argues that a single frame is used as a slide component but that is unclear how the single frame would be obtained for a live event such as a sporting event as frames are pre-selected (Page 13). The applicant argues that the examiner points to the alleged slider (Page 16). The applicant argues that Gagnon does not disclose a bidirectional link or transition but instead discloses a series of unidirectional links (Pages 16-17). The applicant argues that slide components are reduced temporal segment (Page 19) and while the still frame may be regarded a reduced temporal segment, Gagnon does not disclose a reduced temporal segment (Page 19). The applicant also argues that textual description includes a temporal description (Page 19).

In response to the arguments, the examiner respectfully disagrees. First, the live event argument is not persuasive and is considered moot as the claims do not have any limitations with live events. Terasawa and Gagnon are used for the elements disclosed; any added new limitations regarding live events will be considered at the time of the amendment. Terasawa discloses a slide or data stream which allows a user to scroll segments or frames of corresponding programs to select corresponding programs to view (Figure 4, Figure 5, Column 6, lines 23-34, Figure 36, Figure 40). The applicant's invention includes an aspect where an audio song that segment is played and move to the program and back to the slide (Figure 5A). Gagnon may not meet the exact example of the applicant's invention, nevertheless Gagnon discloses that a user can go transition between a program and the slide as the slide is still being displayed when the user selects a program which is two opposite directions one of a slide to another program or back to the same program (Figure 2A, Column 3, lines 13-21). Gagnon further discloses allowing user to scroll up and down the slide (Figure 2A). The examiner agrees with the statement that a slide component in Gagnon is not a segment. Gagnon discloses slide components as channel data (Figure 4). The examiner clearly points to Terasawa for a slide component comprising a segment (Figure 4). The applicant agrees with the examiner that Terasawa discloses the slide component or single frames or reduced temporal segment (Figure 4, Figure 36, Figure 40).

Terasawa discloses wherein the description of the slide components includes a temporal description temporally describing each slide component including the time of the program and its corresponding original audio/video program and allowing for a

transition between the multiple original audio/video programs and the slide components or the title bar includes information about the program and transition to more information of the programs and selecting the slide bar using the remote control (Figure 4, Column 6, lines 23-34, Figures 5-7). Gagnon discloses the textual description of the slide components includes a temporal description describing each slide component and its corresponding original audio/video program and allowing a bidirectional transition between the multiple original audio/video programs and the slide components or between each slide component a channel and video on the slider referencing multiple audio/video programs and the description including time to select a program from the slider or displaying the program and the viewing the slider to choose another program (Figure 2a, Figure 2b, Column 20, lines 34-67, Column 21, lines 1-5, Column 10, lines 54-55).

Furthermore, in *KSR International Co. v. Teleflex Inc.*, the Court found that the claim would have been obvious in the prior art and one skilled in the art could have been combined as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

3. Regarding Claims 28 and 29, the applicant argues a (i) slide to original program direction and (ii) an original program to slide direction (Page 20).

In response to the applicant, based on the claim limitations, Terasawa discloses the limitations of Claims 28 and 29 as disclosed. Terasawa discloses the temporal

description allows for a transition from each slide component to a beginning of each corresponding original audio/video program of which each slide component is a reduced temporal segment (Figure 4) as it is known in the art if all programs start at 7:00 then a selection of a program at 7:00 from the slide component will transition to the beginning of each corresponding audio video program for the benefit of a user watching a program from the beginning. Terasawa discloses wherein the temporal description including the time of the program and its corresponding original audio/video program (Figure 4, Figures 5-7) allows for a transition from each original audio/video program to a beginning of each slide component which is a reduced temporal segment of each sequentially next original audio/video program or after the program selected is displayed there is a reduced temporal segment in the slide for each sequentially next original audio/video program for instance after a 7:00 program is selected for viewing such as World News (Figure 8), after the program is displayed World Sport will be the next reduced temporal segment (Figure 4, Figure 8, Figure 35). Gagnon discloses the slider remains in display while watching the selected program (Column 20, lines 34-67, Column 21, lines 1-5, Figure 2A, Figure 2B).

4. Regarding Claims 30-33, the applicant argues that Gagnon and Terasawa do not disclose sequential or non-sequential playable segments (Pages 20-21).

In response to the argument, "sequentially" can be anything in a sequence therefore a sequence can be the order of time or channels. Therefore, anything not in correct order or sequence can be non sequential. See new rejections.

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5. Regarding Claims 34 and 35, the applicant argues that there is at least one segment (Page 21).

In response to the argument, at least one segment can be at least one frame.

See new rejections.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10, 12-14, 16-19, 21-23 and 25-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa et al (US 6,147,714 and hereafter referred to as "Terasawa") in view of Gagnon et al (US 6,522,342 and hereafter referred to as "Gagnon").

Regarding claims 10 and 19, Terasawa discloses a method of describing summary data of at least one of audio data, video data and audiovisual data (hereinafter audio/video) (Figure 4), the method comprising:

Identifying multiple compressed or uncompressed original audio/video programs (Figure 4);

Identifying one or more slide components which are each a reduced temporal segment or single frames (Figure 4, Figure 36, Figure 40) from a corresponding one the

multiple compressed or uncompressed audio/video contents programs with EPG information and the title bar (Figure 4, Figure 5);

Forming an audio/video slide comprising one or more slide components via the data stream (Figure 4, Figure 5, Figure 36, Figure 40, Column 6, lines 23-34);

Providing a textual description of the slide components as an external file such that the slide components are described sequentially (Figure 4, Figure 5, Figure 7, Figure 36, Figure 40, Column 6, lines 23-34, Column 12, lines 64-67, Column 15, lines 35-39); wherein the description of the slide components includes a temporal description temporally describing each slide component including the time of the program and its corresponding original audio/video program and allowing for a transition between the multiple original audio/video programs and the slide components or the title bar includes information about the program and transition to more information of the programs and selecting the slide bar using the remote control (Figure 4, Column 6, lines 23-34, Figures 5-7),

Displaying the textual description of the slide components through the title bar or the EPG (Figure 5, Figure 7). Microsoft Press 3rd edition Computer Dictionary defines file as: a compete, named collection of information, such as program, asset of data used by a program or a user created document, a file is a basic unit of storage that enables a computer to distinguish one set of information form another.

Terasawa is silent on wherein the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio/video programs and the slide components. In analogous art, Gagnon discloses

the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio/video programs and the slide components or between each slide component a channel and video on the slider referencing multiple audio/video programs and the description to select a program from the slider or displaying the program and the viewing the slider to choose another program (Figure 2a, Figure 2b, Column 20, lines 34-67, Column 21, lines 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Terasawa to the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio/video programs and the slide components (Column 20, lines 34-67, Column 21, lines 1-5) as taught by Gagnon in order to for the user to move more quickly and efficiently through the guide and for the user to more than one way to select a program to view (Figure 2a, Column 3, lines 13-21) as disclosed by Gagnon.

Regarding Claims 12 and 21, Terasawa and Gagnon disclose all the limitations of Claims 10 and 19 respectively. Terasawa discloses the slide components of the audio/video slide are reduced temporal segments included in the original audio/video programs (Figure 4, Figure 5, Figure 7, Figure 39, S73). Microsoft Press 3rd edition Computer Dictionary defines file as: a complete, named collection of information, such as program, asset of data used by a program or a user created document, a file is a basic unit of storage that enables a computer to distinguish one set of information from another. Therefore, Terasawa discloses the reduced temporal segment or frame is a separate file as each segment is for one program, and a set of files is described

sequentially or each segment is a separate file that is described sequentially from the title bar (Figure 4, Figure 5, Figure 7, Figure 39, S73, Figure 36).

Regarding Claims 13 and 22, Terasawa and Gagnon disclose all the limitations of Claims 10 and 19 respectively. Terasawa discloses wherein the slide components of the audio/video slide are reduced temporal segments included in the original audio/video programs, a set of segments is integrated as one composite file or one segment or frame is one file (Figure 39, S73, Figure 23, 35a), and the individual segments of the composite file are described sequentially in title bar (Figure 4, Figure 5). See rejection of Claims 12 and 21.

Regarding Claims 14 and 23, Terasawa and Gagnon disclose all the limitations of Claims 10 and 19 respectively. Terasawa discloses the textual description about the transition between the original programs and the slide components further includes a description about an identifier of the original programs to which the slide components correspond via the title bar (Figure 4, Figure 5, Figure 7, Figure 36, Figure 40). Gagnon discloses the textual description about the bidirectional transition between the original programs and the slide components via the slider or tuning bar or displaying the program and the viewing the slider to choose another program (Figure 2a, Figure 2b, Column 20, lines 34-67, Column 21, lines 1-5).

Regarding Claims 16 and 25, Terasawa and Gagnon disclose all the limitations of Claims 10 and 19 respectively. Terasawa discloses it is possible to transfer from playback of the audio/video slide to playback of the original audio/video programs relating to the slide components of the audio/video slide (Column 6, lines 6-13, Column

16, lines 14-25), and it is also possible to transfer reversely from playback of original audio/video programs to playback of the audio/video slide (Column 6, lines 6-13, Column 16, lines 14-25).

Regarding Claims 17 and 26, Terasawa and Gagnon disclose all the limitations of Claims 10 and 19 respectively. Terasawa discloses it is possible to display attribute data describing the corresponding original audio/video programs by using description data of audio/video slide components during playback of an audio/video slide or title bar can be displayed during playback (Figure 3, Figure 4, Figure 5).

Regarding Claims 18 and 27, Terasawa and Gagnon disclose all the limitations of Claims 10 and 19 respectively. Terasawa discloses that corresponding original audio/video programs is played by using description data of the audio/video slide components during playback of an audio/video slide (Column 6, lines 6-13, 23-34, Column 16, lines 14-25, Figure 4, Figure 36, Figure 39, Figure 40).

Regarding Claims 28 and 29, Terasawa and Gagnon disclose all the limitations of Claims 10 and 19 respectively. Terasawa discloses the temporal description allows for a transition from each slide component to a beginning of each corresponding original audio/video program of which each slide component is a reduced temporal segment (Figure 4) as it is known in the art if all programs start at 7:00 then a selection of a program at 7:00 from the slide component will transition to the beginning of each corresponding audio video program for the benefit of a user watching a program from the beginning. Terasawa discloses wherein the temporal description including the time of the program and its corresponding original audio/video program (Figure 4, Figures 5-

7) allows for a transition from each original audio/video program to a beginning of each slide component which is a reduced temporal segment of each sequentially next original audio/video program or after the program selected is displayed there is a reduced temporal segment in the slide for each sequentially next original audio/video program for instance after a 7:00 program is selected for viewing such as World News (Figure 8), after the program is displayed World Sport will be the next reduced temporal segment (Figure 4, Figure 8, Figure 35). Gagnon discloses the slider remains in display while watching the selected program (Column 20, lines 34-67, Column 21, lines 1-5, Figure 2A, Figure 2B).

Regarding Claims 30 and 32, Terasawa discloses all the limitations of Claims 10 and 19 respectively. Terasawa discloses wherein slide components are sequentially playable or reduced temporal segments that are sequential order can be displayed on the data stream (Figure 4, Column 19, lines 44-56, Figure 35, Figure 40).

Regarding Claims 31 and 33, Terasawa discloses all the limitations of Claims 10 and 19 respectively. Terasawa discloses wherein slide components are non-sequentially playable or reduced temporal segments that are non-sequential order can be displayed on the data stream as programs out of order in time or channel can be scrolled through and displayed at the same time (Figure 36, Figure 4, Column 19, lines 44-56).

Regarding Claims 34 and 35, Terasawa discloses all the limitations of Claims 10 and 19 respectively. Terasawa discloses the slide comprises at least one segment or

single frames from each of the multiple compressed or uncompressed original audio/video programs (Figure 4, Figure 36, Figure 4).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA E. HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Monday to Friday 7:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2623

FEH
August 19, 2008